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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,876	03/23/2004	David Milstein	50037.222US01	7778
27488	7590	10/24/2007	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			MCLEOD, MARSHALL M	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			4152	
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			10/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/809,876	MILSTEIN ET AL.
	Examiner	Art Unit
	Marshall McLeod	4152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 March 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 23 March 2004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 are pending in this application.
2. Claims 1-20 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. With respect to claims 18-20 the claimed invention is directed to non-statutory subject matter. Claims 18-20, appear to be claiming software, as stated in the specifications a shadowing application may also reside on communication device 200 to provide functionality to shadow manager 212. The shadowing application is programmed to interact with a corresponding shadowing application resident on a host computer, such as personal computer 100, to keep the information stored in storage 216 current with corresponding information stored at personal computer 100 (page 2 [0019] lines 16-23).

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-20 are rejected as under 35 U.S.C. 102(e) as being anticipated by LaRue et al. (Patent No US 6810405 B1), hereinafter LaRue.

7. With respect to claim 1, LaRue discloses a method for shadowing information between computing devices (Column 1, lines 56-60), comprising:

- a. coupling at least two computing devices (Column 3, lines 9-12);
- b. determining when an application that is to be shadowed is running on a computing device (Column 14, lines 8-31); and
- c. shadowing information associated with the application running on the computing device to another computing device (Column 11, lines 45-55),
- d. such that the other computing device has a current state and data of the application running (Column 18, lines 30-53).

8. With respect to claim 2, LaRue discloses establishing settings associated with the application and the computing devices (Column 31, lines 40-51), wherein establishing settings comprises establishing at least one of: the type of information supported by the application (Column 2, lines 38-46), the type of information authorized for shadowing (Column 9, lines 63-67), the type of shadowing supported by the computing devices (Column 30, lines 58-67; Column 31, lines 1-4), and which computing devices are authorized for shadowing (Column 5, lines 13-27).

9. With respect to claim 3, LaRue discloses wherein registering the application further comprises communicating the established settings to the shadow manager (Column 3, lines 28-34).

10. With respect to claim 4, LaRue discloses wherein shadowing information further comprises shadowing information based on the established settings (Column 31, lines 5-40).
11. With respect to claim 5, LaRue discloses wherein the information includes at least one of the established settings and data associated with the application (Column 35, lines 40-50).
12. With respect to claim 6, LaRue discloses prompting a user to activate manual shadowing when the first computing device is configured for manual shadowing (Column 26, lines 61-63); and initiating shadowing in response to user activation (Column 3, lines 66-67; Column 4, lines 1-6).
13. With respect to claim 7, LaRue discloses authenticating the computing devices such that unauthorized communication between the computing devices is prevented (Column 34, lines 7-18).
14. With respect to claim 8, LaRue discloses establishing settings associated with shadowing when an application is installed on the computing device (Column 3, lines 66-67; Column 4, lines 1-6).
15. With respect to claim 9, LaRue discloses a first computing device comprising a first shadow manager that is configured to shadow applications running on the first computing device (Column 12, lines 41-56); and a second computing device selectively coupled to the first computing device, the second computing device comprising a second shadow manager that is configured to shadow applications running on the second computing device (Column 12, lines 41-56); the first shadow manager and the second shadow manager being further configured to perform the following actions (Column 33, lines 51-64):

i. determining when an application to be shadowed is running on the first computing device (Column 32, lines 46-52); and

ii. shadowing information associated with the application running on the first computing device to the second computing device (Column 14, lines 22-27), such that the second computing device has a current state and data of the application running (Column 24, lines 57-67; Column 25 lines 1-10).

16. With respect to claim 10, LaRue discloses wherein the first shadow manager and the second shadow manager manage application settings (Column 30, lines 66-67; Column 31, lines 1-4), and wherein the application settings comprise at least one of: the type of information supported by the application to be shadowed (Column 11, lines 20-30), the type of information authorized for shadowing (Column 25, lines 59-65), the type of shadowing supported by the first computing device and the second computing device (Column 30, lines 58-67; Column 31, lines 1-4), and which computing devices are authorized for shadowing (Column 34, lines 32-39).

17. With respect to claim 11, LaRue discloses wherein the information includes at least one of the settings and data associated with the application (Column 35, lines 40-50).

18. With respect to claim 12, LaRue discloses wherein the settings associated with the application are user-defined (Column 32, lines 12-14).

19. With respect to claim 13, LaRue discloses wherein the information is shadowed automatically (Column 15, lines 45-47).

20. With respect to claim 14, LaRue discloses wherein the information is shadowed manually, and wherein the user activates shadowing before manual shadowing commences (Column 26, lines 61-63).

21. With respect to claim 15, LaRue discloses wherein the first shadow manager and the second shadow manager authenticate the first computing device and the second computing device such that information is not shadowed between unauthorized computing devices (Column 34, lines 7-19).
22. With respect to claim 16, LaRue discloses wherein the first shadow manager and the second shadow manager determine whether the information to be shadowed is authorized for shadowing based on the settings (Column 32, lines 66-67; Column 33 lines 1-16).
23. With respect to claim 17, LaRue discloses wherein the first shadow manager and the second shadow manager determine whether the application supports shadowing (Column 10, lines 11-16).
24. With respect to claim 18, LaRue discloses a system for shadowing information between computing devices (Column 1, lines 56-60), comprising:
  - i. means for coupling at least two computing devices (Column 3, lines 9-12);
  - ii. means for determining when an application that is to be shadowed is running on a computing device (Column 14, lines 8-31); and
  - iii. means for shadowing information associated with the application running on the computing device to another computing device (Column 11, lines 45-55),
  - iv. such that the other computing device has current information of the application while the application is running on the computing device (Column 18, lines 30-53).

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25. With respect to claim 19, LaRue discloses means for authenticating the computing devices such that unauthorized communication between computing devices is prevented (Column 16, lines 53-65).

26. With respect to claim 20, LaRue discloses wherein the information comprises a current state and data of the application running (Column 18, lines 30-53).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marshall McLeod whose telephone number is (571) 270-3808. The examiner can normally be reached on Monday - Friday 7:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.M.



JOHN FOLLANSBEE  
SUPPLYING PATENT EXAMINER  
TECHNOLOGY CENTER 2100